

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: February 16, 2005
Bulk Item: Yes XX No

Division: County Attorney
Staff Contact Person: Pedro Mercado

AGENDA ITEM WORDING: Approval of settlement agreements in code enforcement lien in Monroe County V Gary and Susan Casper.

ITEM BACKGROUND:

Homeowner built an attached deck on the rear of their trailer without benefit of a permit. The special magistrate found the homeowners in violation and imposed fines and court costs and set a compliance date. Homeowners hired a contractor to obtain an after the fact permit. Contractor was unable to obtain an after the fact permit and informed homeowner that the deck would have to be removed. Homeowners gave the contractor approval to remove deck. Contractor had kept code enforcement updated and informed them of his intention to obtain a demolition permit and remove the deck. Prior to having a chance to pull his permit, contractor had a death in the family. Contractor did not contact code enforcement and missed the next scheduled hearing due to that family crisis. Special master then imposed the fines of \$300 per day and imposed the fines retroactively. Contractor returned, obtained his permit and brought the property into compliance in a timely manner. On the compliance date, fines totaled \$27,000. After consultation with the code enforcement director, based on the contractors clean record and the intervening tragedy as well as his timely compliance given the circumstances, it was determined that it would be appropriate to settle this case for the \$100 administrative cost of prosecution.

PREVIOUS RELEVANT BOCC ACTION:

None

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Accept the settlement offers

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY: N/A

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes XX No

AMOUNT PER MONTH Year

APPROVED BY: County Atty *JP* OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:

John D. Collins
(TYPE NAME HERE)

DOCUMENTATION: Included Not Required XX

DISPOSITION:

AGENDA ITEM #

Revised 2/05

**BEFORE THE CODE ENFORCEMENT SPECIAL MASTER
OF MONROE COUNTY, FLORIDA
The Honorable J. Jefferson Overby, Presiding**

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO.: CE03090178

GARY CASPER AND SUSAN J. CASPER

Respondent(s)

SETTLEMENT AGREEMENT

The Petitioner Board of County Commissioners of Monroe County and Gary Casper and Susan J. Casper, Respondent(s), hereby agree to settle the code enforcement lien imposed in the above-referenced case by the Special Master against property owned by the Respondent(s) as follows:

1. The parties agree to settle the code enforcement lien for \$100.00.
2. The property in question has a legal description of 31129 Avenue G Big Pine Key, Monroe County, Florida (RE#:00306340-000000).
3. Upon approval of this agreement by the Board of County Commissioners, the Respondent(s) shall remit a check in the amount of \$100.00 made payable to the Board of County Commissioners.
4. Once the aforementioned check has cleared, the County will issue to the Respondent(s) a release and satisfaction of said lien for filing by the Respondent(s) in the Official Records of Monroe County.
5. The County will file a copy of the release and satisfaction in the official Code Enforcement file.
6. By entering into this agreement, the each party agrees to waive any and all claims that it could have raised and/or potential claims that it might have been able to raise as a result of the above-captioned code enforcement case.

7. Both parties warrant that they have had an opportunity to consult with counsel before entering into this agreement
8. Each party agrees to bear its own costs and attorney's fees other than as specified in this agreement.

(SEAL)

Attest: DANNY L. KOLHAGE, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor/Chairperson

_____, Respondent

Notary Public

By: _____
(date)

_____, Respondent

Notary Public

By: _____
(date)

This document was prepared and approved for legal sufficiency by:

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